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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,270	12/11/2001	Arturo A. Rodriguez	A-7312	7025

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,270

Applicant(s)

RODRIGUEZ ET AL.

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
2a) ☐ This action is **FINAL**.
2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 239-278 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 239-278 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/7/05 has been entered.

Remarks

2. Claims 209-238 were canceled in the amendment dated 6/3/04 (paper 11). Pending claims are pre-amended claims 239-278.

Response to Arguments

3. Applicant's arguments or remarks with respect to claims 239-278 have been considered but are moot in view of the new ground(s) of rejection.
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Claim Rejections – 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 239-278 (pre-amended) are rejected under 35 U.S.C. 102(b) as being anticipated by Lemmons et al. (U.S. Patent No. 5,880,768).

Regarding claim 239, Lemmons discloses a method for providing television services by a television set top terminal (“STT”) (Figs. 1 & 2, col. 4/lines 20 for Set top box STB or set top terminal, and col. 5/lines 58-65 for television services provided in addition to a conventional cable telecasting) comprising:

“receiving by the STT a first user input including information for, setting a start time and an end time defining a first time interval, and associating a user preference corresponding to at least one parameter with the first time interval” and “responsive to receiving the first user input, storing data in memory identifying the association of the at least one parameter with the first time interval”, i.e., user uses a remote 78 for providing input commands to the set top terminal 70 (as shown in Fig. 2), and the user can schedule their favorite programs and services, by defining the interested time intervals of start time and end time, as shown in Fig. 8, and the selection process is stored in the memory 76 (Fig. 2, and col. 19/lines 5-15); and

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enabling access to purchasable television services for the duration of the first time interval according to at least one parameter (col. 32, lines 26-31 as the user can purchase a program or service from the resulting list of defined program schedule information as pointed out in col. 31/lines 35-56, please note as pointed out in col 5/lines 58-65, the system provides additional television services not only for television programs); and

responsive to receiving the second user input, “receiving by the STT user input requesting a purchasable television service corresponding to the at least one parameter”; “determining whether the request is for viewing the purchasable television service during the first time interval”; and “enabling a purchase of the television service responsive to receiving the request during the defined time period; and “preventing the purchase of the television service responsive to the request outside the defined time period”, i.e., this is simply refer to the meaning that since the offer to purchase a product or service is limited to the available time frames or predefined time intervals, and the user is not able to buy the product or service at any other time frames outside of the predefined time interval (col. 32, lines 26-31 as the user can purchase a program or service from the resulting list of pre-defined program schedule information as pointed out in col. 31/lines 35-56, please note as pointed out in col 5/lines 58-65, the system provides additional television services not only for television programs).

As for claims 240 and 241, these limitations are met as Lemmons discloses that the first time interval and the request for viewing the purchasable television service is defined responsive to the user input received outside the first time interval (Fig. 8, at the time of 1:27:55 at item 126, the user can pre-define the time interval at other time frames as indicated in item 304, and it is

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clearly outside the defined first time interval if the user selects 7AM-11AM at item 322 for requesting of viewing the purchasable television service).

As for claims 242 and 243, these limitations are met as Lemmons discloses that wherein the at least one viewing parameter corresponding to a type of purchasable television service and at least one parameter identifies a television service, i.e., the program guide shows the user can select television service with selection parameters as for "Rating", categories as for "Action" and is used for a purchasable television service (Fig. 7 and please note as pointed out in col 5/lines 58-65, the system provides additional television services not only for television programs).

As for claims 244-247, these limitations are met as Lemmons further discloses to include at least one parameter with the first time interval is stored in the memory for a plurality of days, using a clock time with subsequent start and end time for a second time interval, and a plurality of time intervals, wherein the plurality of time intervals occur during a plurality of respective days (Fig. 8/item 304 for plurality of time intervals, and the selection of one of these time intervals from the user is stored in the memory for a plurality of days, as shown in Fig. 8, the user can pre-define within a calendar, and col. 7/lines 22-30).

As for claim 248, Lemmons further discloses "wherein the at least one parameter is one of program type, a channel type, and a channel identity" (Fig. 7 shows program type as movies in Action or Sci-Fi with different ratings at 214, etc., a channel type as sports, pay-per-view or news, as in col. 14/lines 1-30, and a channel identity as channel 4, 5, 7, 9, HBO etc. as in Fig. 9).

As for claim 249, Lemmons further discloses "wherein the user preference is selected by a user from a list of user preferences" (Figs. 24-28, and col. 29/line 55 to col. 31/line 23 on how to customize the user's favorite list or preference list).

Regarding claim 250, Lemmons discloses a method for providing television services by a television set top terminal ("STT") (Figs. 1 & 2) comprising:

"receiving by the STT a first user input including information for, setting a start time and an end time defining a first time interval, and associating a user preference corresponding to at least one viewing parameter with the first time interval", and "responsive to receiving the first user input, storing data in memory identifying the association of the at least one parameter with the first time interval", i.e., user uses a remote 78 for providing input commands to the set top terminal 70 (as shown in Fig. 2), and the user can schedule their favorite programs and services, by defining the interested time intervals of start time and end time, as shown in Fig. 8, and the selection process is stored in the memory 76 (Fig. 2, and col. 19/lines 5-15); and

"responsive to receiving the request for recording the television service, receiving by the STT a request for recording a television service corresponding to the viewing parameter, accessing the association of the at least one parameter with the first time interval, and determining whether the request is for recording the television service during the first time interval" (col. 32, lines 26-31 as the user can purchase a program or service from the resulting list of defined program schedule information as pointed out in col. 31/lines 35-56, please note as pointed out in col 5/lines 58-65, the system provides additional television services not only for television programs; and Figs. 10, 16-18 for setting up the recording of a television program or service for predefined time intervals, and col. 26/line 23 to col. 27/line 53 for recoding addressed); and

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enabling and preventing the recording if the request is during the defined time period and outside the time period, respectively, i.e., Figs. 10, 16-18 for setting up the recording of a television program or service for predefined time intervals, and col. 26/line 23 to col. 27/line 53 for recording addressed and deletion program/service from the recording list, and this is simply refer to the meaning that since the offer to purchase and record a product or service is limited to the available time frames or predefined time intervals, and the user is not able to buy and record the product or service at any other time frames outside of the predefined time interval (col. 32, lines 26-31 as the user can purchase and/or record a program or service from the resulting list of pre-defined program schedule information as pointed out in col. 31/lines 35-56.

As for claims 251-261, these claims with same limitations for providing television service and recording to the user are rejected for the reasons given in the scope claims 240-249 as already disclosed above.

As for claims 262-275, these claims with similar limitations for providing television service and recording to the user are rejected for the reasons given in the scope claims 239-249 as already disclosed above, with the combination of earlier claims and mixing of the first time interval, the second time interval and third time interval or multiple time intervals, which are already addressed in earlier claim 239 and claim 250 for the step of selecting any time slots or portions of program/service whether "during the time interval" of the first, the second or the third can only be purchased and recorded during that time interval as explained earlier in claims 239 and 250.

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As for claim 276, Lemmons discloses "wherein the first television function comprises enabling a sales transaction", i.e., purchasing a program/service regarding as a sales transaction (col. 32/lines 26-30).

As for claim 277, Lemmons further discloses "wherein the first television function comprises enabling recording a television service" (col. 7/line 65 to col. 8/line 18).

As for claim 278, Lemmons discloses "wherein the first television function corresponds to a user input key" (Fig. 2 for a user interface remote 78 for input key; and col. 7/lines 47-65).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lemmons et al. (US Pat. No. 5,880,768) disclose an interactive program guide systems and processes

Gordon et al. (US Pat. No. 6,584,153 B1) disclose a data structure and methods for providing an interactive program guide.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB

April 5, 2005